

AN ORDINANCE TO AMEND CHAPTER 9 OF THE CITY OF MEMPHIS CODE OF ORDINANCES TO INCLUDE NONDISCRIMINATION BASED UPON SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION.

WHEREAS, the population of the City of Memphis consists of people of every race, color, religion, sex, national origin, and sexual orientation; and

WHEREAS, it is in the interests of all citizens of Memphis to eradicate discrimination in all of its forms; and

WHEREAS, it is the intent of the Memphis City Council to enact an ordinance which promotes the fair treatment and rights of all individuals; and

WHEREAS, it is important to ensure that City of Memphis government employees and citizens of Memphis are not discriminated against based on Sexual Orientation, Gender Identity or Expression; and

WHEREAS, it is the intent of the Memphis City Council to continue to recognize uniformly held nondiscrimination policies and practices adopted in accordance with state and federal law as well as dress code and grooming requirements imposed by the City; and

WHEREAS, it is not the intent of the Memphis City Council to create any additional protected classes yet to be established by state or federal law through the adoption of this ordinance or to have this ordinance interpreted by any commission, court, or other body as elevating any one group into a protected class; and

WHEREAS, the Memphis City Council has determined it to be in the best interest of the citizens of Memphis and city government employees that this ordinance be adopted to expressly prohibit discrimination based on Sexual Orientation, Gender Identity or Expression.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS,

SECTION 1. That Chapter 9, Section 9-5 of the Code of Ordinances, be and is hereby amended to read as follows:

9-5. No discrimination in city employment.

- (a) There shall be no discrimination in the city employment of personnel or in the promotion or demotion of city employees because of religion, race, sex, creed, political affiliation, age, national origin, disability, sexual orientation, gender identity or expression, or other nonmerit factors.**

- (b) The terms “gender identity or expression” and “sexual orientation” shall be hereafter defined by City policy.

BE IT FURTHER ORDAINED, That the provisions of this Ordinance are hereby severable. If any of these sections, provisions, or sentences, clauses, phrases or parts are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

BE IT FURTHER ORDAINED, That this ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of Mayor in writing by the Comptroller and become effective as otherwise provided by law.

Janis Fullilove, Councilwoman
Memphis City Council

Harold Collins, Chair
Memphis City Council

ATTEST:

Patrice Thomas
Comptroller